

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PAMELA SWETZOF

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 3:21-cv-05705-BJR

STIPULATION AND ORDER EXTENDING
DEADLINE TO FILE DISPOSITIVE
MOTIONS

JOINT STIPULATION

The parties hereby jointly STIPULATE AND AGREE to extend the following deadline as set forth in the Court's January 23, 2022 Minute Order Setting Trial Dates and Related Dates (Dkt. 19) as follows:

| <u>Deadline</u> | <u>Current Deadline</u> | <u>Proposed New Deadline</u> |
|--|--------------------------------|-------------------------------------|
| All dispositive motions must be filed by | September 2, 2022 | September 9, 2022 |

Good cause exists for extending this deadline. The parties anticipate completing all fact and expert discovery by the stipulated discovery cut-off of September 2, 2022. *See* Dkt. 26. However, the United States anticipates filing a summary judgment motion supported in part by the declaration of United States Navy Senior Chief, Michael Gray. Plaintiff is now seeking Mr. Gray's

STIPULATION AND ORDER EXTENDING DEADLINE TO FILE
DISPOSITIVE MOTIONS
[3:21-cv-05705-BJR] - 1

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

deposition, and in order to avoid a motion under Fed. R. Civ. P. 56(d), the United States has agreed to make him available the morning of September 1, 2022. However, the United States anticipates that the transcript of this deposition will not be generated in time to be used in support of its contemplated summary judgment motion the following day. As such, the parties agree that the best course is to move forward with the deposition but continue the dispositive motion cut-off to allow time for the transcript to be prepared and the testimony to be used in support of the motion.

Furthermore, expert depositions will complete this week, with the last deposition scheduled for the afternoon of August 31, 2022. A portion of these transcripts have not yet been made available to the parties but will be useful (and indeed integral) to preparing motions to exclude expert testimony, which are also due upon the dispositive motion deadline per *Local Civil Rule* 16(b). Importantly this extension will not impact the remaining deadlines set forth in the Court's initial or amended scheduling orders (Dkts. 19 and 26). For the reasons set forth above, the parties believe that there is good cause to request an extension of the dispositive motion cut-off and respectfully request that the Court grant their motion.

SO STIPULATED.

DATED this 30th day of August, 2022.

NICHOLAS W. BROWN
United States Attorney

s/ Erin K. Hoar

ERIN K. HOAR, CA No. 311332
Assistant United States Attorney
United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
Phone: 206-553-7970
Fax: 206-553-4067
Email: erin.hoar@usdoj.gov

*Attorneys for Defendant United States
of America*

LAW OFFICES OF GREG S. MEMOVICH, PLLC

s/ Greg S. Memovich

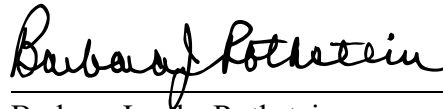
Greg S. Memovich, WSBA No. 13588
Law Offices of Greg S. Memovich, PLLC
9301 Linder Way, Ste. 201
Silverdale, WA 98383
Telephone: (360) 692-1347
Fax: (360) 692-3893
Email: greg@injurylawkitsap.com

Attorney for Plaintiff

ORDER

The parties having so stipulated and agreed, it is hereby **ORDERED** the dispositive motion cut-off is extended from September 2, 2022, to September 9, 2022.

DATED this 31st day of August, 2022.



Barbara Jacobs Rothstein
U.S. District Court Judge